

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA**

In re Subpoena to Non-Party Lindsey
O. Graham in his official capacity as
United States Senator,

Case No. _____

in the matter of:

Special Purpose Grand Jury, Fulton
County Superior Court Case No.
2022-EX-000024.

**SENATOR LINDSEY O. GRAHAM’S MEMORANDUM IN SUPPORT OF
HIS MOTION TO EXPEDITE PROCEEDINGS**

On July 27, 2022, United States Senator Lindsey O. Graham (“Senator Graham”) accepted service of a Special Purpose Grand Jury Subpoena (the “Subpoena”) commanding him to provide testimony on August 23, 2022 before a “Special Purpose Grand Jury” established under Georgia law. Senator Graham has now filed a notice of removal. Contemporaneously with this Motion, Senator Graham is filing an Expedited Motion to Quash which asks this Court to quash the Subpoena based on the Speech or Debate Clause of the federal constitution, sovereign immunity, and the Fulton County’s District Attorney’s failure to meet her burden to compel Senator Graham’s testimony. Given the importance of the issues raised in Senator’s Graham’s Expedited Motion to Quash and the date that he has

been commanded to testify, this Court should grant Senator Graham's Motion to Expedite Proceedings.

ARGUMENT

Local Rule 7.2(B) allows this this Court to waive the standard time requirements of Local Rule 7.1 and "grant an immediate hearing on any matter requiring such expedited procedure." LR 7.2(B), NDGa. The rule further requires the motion to set forth good cause for the expedited procedure and to set forth in detail the necessity for such expedited procedure. *Id.*

Here, good cause exists for this Court to grant an expedited hearing on Senator Graham's Expedited Motion to Quash. The Subpoena at issue commands Senator Graham to testify on August 23, 2022. *See* Exhibit 1. As explained in Senator Graham's contemporaneously-filed Expedited Motion to Quash, the Court should quash for any and all of three independently sufficient reasons: the Speech or Debate Clause of the federal constitution, sovereign immunity, and the Fulton County District Attorney's failure to meet her burden to compel Senator Graham's testimony.

Given that the Subpoena commands Senator Graham to testify on August 23, 2022, the normal briefing schedule set forth in Local Rule 7.1 will not allow for resolution of Senator Graham's Expedited Motion to Quash and, if necessary,

appellate review, before he is scheduled to testify. *See* LR 7.1(A)–(C), NDGa (allowing fourteen days to file both a response to a motion and a reply to a motion). Therefore, good cause exists for an expedited hearing and briefing schedule in this case to allow for the resolution of Senator Graham’s Expedited Motion to Quash.

CONCLUSION

Accordingly, upon good cause shown, Senator Graham respectfully requests that this Court order an expedited hearing on his Expedited Motion to Quash for August 8, 2022.

Date: July 29, 2022

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE WITH LR 5.1(B)

I hereby certify that this brief has been prepared with one of the font, point, and style selections approved by the Court in LR 5.1(B)—namely, double-spaced in 14-point Times New Roman font.

Date: July 29, 2022

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CERTIFICATE OF SERVICE

I hereby certify that on July 29, 2022, I caused a copy of the foregoing to be served via U.S. Mail on the following recipients:

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